



5. In the event the Court does not rule on the cross-motions by **December 3, 2013**,

Defendants intend to request the case to be set for trial on the earliest available date.

Plaintiff does not move for the requested relief for purposes of delay. Rather, the Parties could only arrange to conduct a deposition of the expert designated by the Defendants on August 6, 2013. Consequently, the Parties require more time to complete the tasks remaining on the scheduling order, and Plaintiff respectfully requests that this Court grant them such relief and grant him such other relief as justice requires.

Dated: August 7, 2013

Respectfully Submitted,

/s/ Mark Whitburn

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Attorneys for Plaintiff

**CERTIFICATE OF CONFERENCE**

I hereby certify that on August 7, 2013, I contacted the counsel for Defendants, Andrew Stephens, by email who stated the Defendants do not oppose the relief sought in this motion.

/s/Mark Whitburn  
Mark Whitburn

**CERTIFICATE OF SERVICE**

I certify that on this 7th day of August, 2013, a true and correct copy of the foregoing document was transmitted via ECF to all counsel of record.

/s/Mark Whitburn  
Mark Whitburn



4. The deadline for the Parties to reply, with supporting briefing, to the opposing Party's response to motion for summary judgment is **September 23, 2013**.

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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DAVID C. GODBEY  
UNITED STATES DISTRICT JUDGE